

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

BERTHA MAE TOUSSAINT,

Plaintiff,

vs.

CIVIL NO.: 10-CV-14827-DT
HON. ROBERT H. CLELAND

COMMISSIONER OF SOCIAL
SECURITY

Defendant.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

This matter is before the court on the parties' cross motions for summary judgment. The case was referred to United States Magistrate Judge Michael Hluchaniuk pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72.1. The magistrate judge issued his report on February 1, 2012 recommending that this court deny defendant's motion for summary judgment, grant plaintiff's motion for summary judgment and remand the case to the Commissioner for further proceedings. No objections have been filed pursuant to 28 U.S.C. §636(b)(1)(C); thus further appeal rights are waived.¹

Having reviewed the file and the report, the court determines that the findings and conclusions of the magistrate judge are correct and **ADOPTS** the same for purposes of this order.

¹ The failure to object to the magistrate judge's report releases the court from its duty to independently review the motion. See *Thomas v. Arn*, 474 U.S. 140,149 (1985).

ORDER

IT IS ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, the defendant's motion for summary judgment is **DENIED**, plaintiff's motion for summary judgment is **GRANTED** and this matter is **REMANDED** for further proceedings consistent with the adopted Report and Recommendation.

IT IS SO ORDERED.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: February 23, 2012

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, February 23, 2012, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522